

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

UNDER SEAL

v.

CRIMINAL COMPLAINT

ROBERT SORICH

CASE NUMBER:

I, Irene Lindow, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From in or about the early 1990s through in or about 2005, at Chicago, in the Northern District of Illinois, Eastern Division, defendant,

(Track Statutory Language of Offense)

together with other City officials, devised, intended to devise and participated in a scheme and artifice to defraud the City of Chicago ("the City") of money, property, and the intangible right to the honest services of defendant SORICH and other City officials, and to deprive certain applicants for City employment and promotions of money and property, by means of materially false and fraudulent pretenses, representations, promises and material omissions; and for the purpose of executing the scheme, caused the use of the U.S. Mails on or about July 15, 2004;

in violation of Title 18 United States Code, Sections 1341, 1346, and 2.

I further state that I am a(n) Special Agent, U.S. Dept. of Labor - OIG, and that this complaint is based on the following facts: Official Title

See Attached Affidavit.

Continued on the attached sheet and made a part hereof: X Yes No

Signature of Complainant

Sworn to before me and subscribed in my presence,

July 17, 2005 at _____
Date

Chicago, Illinois
City and State

Jeffrey Cole, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT

I, Irene Lindow, being duly sworn, depose and state as follows:

Introduction

1. I am a Special Agent with the United States Department of Labor – Office of the Inspector General (“USDOL-OIG”), and have been so employed for approximately 2 years. For approximately 5 years, I was employed as an investigator for the Department of Labor Employee Benefits Security Administration. In connection with my official duties, I have investigated violations of federal criminal law, including violations relating to public officials. I have also received training in the enforcement of laws concerning, among other things, public corruption and white-collar crime. I have received training and have participated in all of the normal methods of investigation, including, but not limited to, visual and electronic surveillance, the general questioning of witnesses, the use of informants, and undercover operations.

2. This Affidavit is made in support of a criminal complaint charging ROBERT SORICH with a violation of 18 U.S.C. §§ 1341, 1346 and 2, charging that from in or about the early 1990s through in or about 2005, SORICH and other City of Chicago officials devised, intended to devise and participated in a scheme and artifice to defraud the City of Chicago (“the City”) of money, property, and the intangible right to the honest services of defendant SORICH and other City employees, and to deprive certain applicants for City employment and promotions of money and property, by means of materially false and fraudulent pretenses, representations, promises and

material omissions, and in furtherance thereof caused the United States mail to be used on or about July 15, 2004.

3. In particular, SORICH participated in a scheme in which he and his co-schemers routinely manipulated the interview and selection process for certain City employment positions by conducting sham interviews, falsely inflating interview scores, and otherwise guaranteeing that certain pre-selected candidates who were favored by top City officials would win the employment positions, often to the exclusion of equally or more qualified candidates. This pre-selected status was granted by City officials at times because of the prospective employee's: association with particular political organizations or unions; contributions of labor to certain political organizations or candidates; or other influence. This fraudulent interview process, as set forth more fully below, violated federal and state laws as well as City ordinances.

4. This investigation has been jointly conducted by the Federal Bureau of Investigation, United States Postal Inspection Service, the Internal Revenue Service and the USDOL-OIG. The information contained in this Affidavit is based on my personal observations and experience in addition to information obtained from other law enforcement agents participating in the investigation, witnesses, and documents, and my review of recorded conversations.

5. Since this Affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe SORICH committed a violation of 18 U.S.C. §§ 1341, 1346 and 2. Where statements of others are set forth in this Affidavit, they are set forth in substance and are not verbatim. This affidavit summarizes information obtained from witnesses concerning conduct

occurring over a period of years; it does not refer to all information provided by the witnesses described below, nor does it refer to every witness who has provided information to the investigation. Statements from recorded conversations do not include all statements or topics covered during the course of the recorded conversations, and are not taken from a final transcript.

Hiring Procedures of the City of Chicago and Laws and Duties Applicable to Defendant

6. The City's operating (or infrastructure) departments are staffed with a wide variety of City employees. Job titles within the operating departments include Motor Truck Driver, Laborer, Foreman, Equipment Dispatcher, Plumber and Inspector, among many others. Each department has a personnel officer who coordinates hiring and promotion decisions within the department, working together with the City's main Department of Personnel.

7. Section 2-74-050 of the Chicago Municipal Code provides for personnel rules, including public notice, and the selection of persons based on their "relative fitness" and "job-related selections procedures," and includes provisions for ranking applicants. Section 2-74-090 provides that no person "shall make any false statement, certification, mark [or] rating . . . with regard to any test, certifications or appointment . . . or in any manner commit or attempt to commit any fraud [or] prevent the impartial execution of this ordinance. . . ." It also provides that no person "shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this ordinance"

8. From approximately 1999 to present, it has been a violation of Illinois law for "[a]ny officer, agent, or employee of, or anyone who is affiliated in any capacity with any unit of local government . . . [to] make[] a false entry in any book, report, or statement of any unit of local government . . . with the intent to defraud the unit of local government" 720 ILCS § 5/33E-15.

Moreover, under Illinois law it is unlawful for any public officer or employee to knowingly perform an act which he knows he is forbidden by law to perform. 720 ILCS § 5/33-3(b).

9. Pursuant to orders and decrees entered by the United States District Court for the Northern District of Illinois, Eastern Division, on May 5, 1972, and June 20, 1983, in the case of *Shakman, et al. v. The Democratic Organization of Cook County, et al.*, 69 C 2145, City employees were, at all relevant times, among other things:¹

- (1) prohibited from compelling or coercing political activity by any City employee; and
- (2) permanently enjoined from directly or indirectly, in whole or in part:
 - (A) conditioning, basing, or knowingly prejudicing or affecting any term or aspect of governmental employment, with respect to one who is at the time already a governmental employee, or affecting the hiring of any person as a governmental employee (other than for positions exempt from the *Shakman* decrees), upon or because of any political reason or factor including, without limitation, any prospective employee's political affiliation, political support or activity, political financial contributions, promises of such political support, activity or financial contributions, or such prospective employee's political sponsorship or recommendation;
 - (B) knowingly inducing, aiding, abetting, participating in, cooperating with or encouraging the commission of any act which is proscribed by the orders and decrees.

10. Certain positions, including all non-policymaking jobs such as Motor Truck Driver, General Foreman of Motor Truck Drivers, Laborer, Plumber, Inspector, etc., are covered by the *Shakman* consent decree. Policymaking jobs are generally exempt from the decree. As part of the hiring and promotion process for such positions, a City official certifies, on a document commonly

¹ A motion to vacate the decree was denied by the district court in *Shakman v. Democratic Org. of Cook County*, 2004 WL 691872 (N.D. Ill. Mar. 30, 2004). An appeal from that decision is now pending in the Seventh Circuit, No. 04-2105.

known as a “*Shakman* referral list,” that political considerations have played no role in the decisionmaking process. The standard certification states:

I understand that political considerations may, in no manner, enter into decisions to hire employees for the City of Chicago. I understand that any person who willfully violates this may be subject to both administrative and legal action. I verify that, to the best of my knowledge, political considerations did not enter into the hiring decisions documented on this form.

11. In his capacity as a City official, and pursuant to the Chicago Governmental Ethics Ordinance, SORICH and other City officials referenced herein each owed a duty of honest services to the City of Chicago and the people of the City in the performance of their respective public duties.

12. According to documents I have reviewed, and information obtained from current and former city employees interviewed as part of this investigation, a hiring and promotion process for *Shakman*-covered positions existed for the City. This process varied among Departments, Commissioners and personnel directors over the years, but typically included the following steps:

a. The Commissioner and/or his/her assistants decide to hire for positions for a particular job. Once this decision is made, the Department prepares “A forms” for the budget office, requesting approval to hire the employees.

b. After the budget office approves the A forms, depending on the position, the jobs may be opened for bids, for 14 days. Bid applications can be returned by mail or in person. The applications are then sent to the City-wide Department of Personnel on the eleventh floor of City Hall.

c. For union jobs, applicants are determined to be “qualified” or “unqualified” based on their union status. There may also be job-related qualifications a bidder must meet. For example, in order to bid on a position to be a Career Service Motor Truck Driver (CS MTD), the

applicant must have a valid commercial driver's license with no air-brake restriction, and the applicant must be a member of the Teamsters union. All applicants who meet these requirements are equally qualified for the job. Generally, every "qualified" applicant is granted an interview.

d. After qualified applicants are identified, interviews are scheduled. Typically, interviews must be conducted for all non-policymaking jobs. The interviews are usually conducted by panels, which may consist of foremen, assistant general superintendents, general superintendents, or other supervisory officials.

e. Interviewers ordinarily complete rating forms for the applicants they interview. Each interviewer has a rating form for every applicant he or she interviews. There is usually a one-to-five scale for each question. The value is multiplied by the question's importance. The scores are tallied, and an average of the panelists' scores is used to obtain a final score for each candidate.

f. Those candidates with the highest scores are to be selected for the position.

g. Once the candidates are selected, the *Shakman* referral list is completed, recording which applicants were interviewed and which applicants were selected, and certifying that political considerations played no role in the process.

h. The winning candidates are then notified by the City of their selection.

13. I have reviewed documents obtained from the City titled "Department of Personnel Hiring Criteria Rating Form[s]." Each form has a place for the job candidate's name and social security number; the job title; hiring criteria; comments; rater signature, title, and department; and the interview date. The "hiring criteria" vary from job to job. For example, "supervisory experience" is a hiring criterion for some job titles that will require the job winner to supervise

others; for a laborer position, supervisory experience would not be on the evaluation form. Each hiring criterion is assigned a weight of one or two, and each hiring criterion is ranked from one to five. As to the weight scale, 1 = minor consideration, and 2 = major consideration. The rating scale is as follows: 1 = far below requirements; 2 = slightly below requirements; 3 = meets requirements; 4 = slightly above requirements; and 5 = far above requirements. There are spaces available on the form for the rater to circle the weight and rating, then to multiply the weight times the rating. There is a space at the bottom for the interviewer to total the score.

The Office of Intergovernmental Affairs and Summary of the Scheme

14. The Office of Intergovernmental Affairs (IGA) is shown as a “workgroup,” or branch of the Mayor’s Office, on the City’s website. Defendant ROBERT SORICH is listed as an employee within IGA. Interviews with personnel officials and managers of the operating departments, and with political coordinators, have identified SORICH as an official in IGA who exercised authority over certain employment decisions at the City for at least the last 12 years through early 2005.

15. This investigation has revealed that IGA routinely and consistently influenced hiring and promotions for *Shakman*-covered positions, and used its authority over individual departmental personnel officers to maintain a hiring process for those positions that was not based on merit or non-political factors, but was instead manipulated with artificial scores and false certifications to ensure jobs for persons who provided free labor to, or were otherwise associated with, groups affiliated with campaign organizations, aldermen, and union officials. SORICH pre-selected applicants to receive jobs or promotions. SORICH’s co-schemers, after receiving instructions from SORICH or others at IGA identifying those who should win (instructions that SORICH sought to conceal), manipulated

and falsified the ostensibly merit-based ratings given to prospective employees in order to favor IGA's selections, and then reported the results of the interview process to SORICH.

Cooperating Witnesses ("CW")

16. This investigation has developed evidence from a variety of cooperating current and former City officials, who have each described the hiring and promotion practices of the City, particularly as to *Shakman*-covered positions and who have been affiliated with several different departments.²

17. The cooperating witnesses include: former Commissioners of departments who participated in political activity, approved the results of interviews, and/or consulted with IGA concerning *Shakman*-covered positions; current and former high-ranking employees of departments who coordinated organizations of City employees in campaign work and/or implemented scoring decisions on job or promotion candidates; current and former personnel directors for departments who received instructions from IGA concerning hiring and promotion decisions and implemented IGA's decisions through their supervision of the interview and rating process; current and former supervisory employees in departments who conducted interviews and/or scored applicants based on instructions to favor campaign workers; and current and former City employees who joined political organizations and/or obtained jobs or promotions in exchange for or in connection with their work on behalf of campaigns.

² Certain witnesses may have initially denied or minimized conduct to which they later admitted. This affidavit summarizes the information provided based on the totality of the witnesses' statements. In addition, individuals have been interviewed who denied any knowledge of or participation in the alleged scheme. This affidavit does not include every instance of such denials.

A. Department 1

18. CW-1, a former high-ranking employee of Department 1, has stated to federal investigators that he/she was the head of a political organization, comprised mostly of City employees. CW-1 described: the manner in which IGA compromised the interview and rating process for *Shakman*-covered positions; his/her efforts to obtain jobs and promotions to reward campaign workers; and the campaigns that received the benefits of his/her organization of City workers. CW-1 has been charged with, among other crimes, racketeering conspiracy, bribery and mail fraud. CW-1 has admitted his/her guilt to investigators and made statements pursuant to a proffer letter issued by the U.S. Attorney's Office. At this time, no plea agreement has been reached between the government and CW-1 concerning the pending charges; however, CW-1 is cooperating with the government with the understanding that, in exchange for his/her continued truthful cooperation, guilty plea to racketeering conspiracy and a tax crime, and admitting to participation in the promotion and hiring fraud scheme described herein, the government will make a motion to reduce CW-1's sentence.

19. CW-2 is a former Commissioner in Department 1. CW-2 described the interview and rating process that he/she certified and understood was based on influence from officials in IGA. CW-2 made statements pursuant to a standard U.S. Attorney's Office proffer letter, with the representation that CW-2 was a subject, but not a target, of the investigation.

20. CW-3 is a high-ranking employee of Department 1. CW-3 participated in CW-1's political organization and has testified in the grand jury regarding CW-1's organization and CW-3's role in the hiring process. CW-3 has described the manner in which employees who participated in political campaigns were rewarded with jobs or promotions and his/her participation in interviewing

and rating candidates to favor those workers. No promises have been made by the government to CW-3 concerning potential criminal liability in this investigation.

21. CW-4 is a former personnel director for Department 1, and prior to that, Department 3. CW-4 stated that he/she was affiliated with a Democratic Ward Organization, and volunteered for campaign assignments. CW-4 described the manner in which the department implemented hiring and promotion decisions for *Shakman*-covered positions based on selections by IGA. CW-4 voluntarily provided information to agents and testified before a federal grand jury. No promises have been made by the government to CW-4 concerning potential criminal liability in this investigation.

22. CW-5 was a supervisory employee within Department 1 from the mid 1990s until approximately 2003. CW-5 participated in CW-1's political organization and described his/her participation in manipulating the ratings for jobs and promotions in the department to favor campaign workers. CW-5 has provided information to the government pursuant to the terms of a proffer letter issued by the U.S. Attorney's Office. No promises were made by the government to CW-5 concerning potential criminal liability in this investigation.

23. CW-6 was a supervisory employee in Department 1 from 1998 through 2003. CW-6 participated in CW-1's political organization and described his/her participation in manipulating the ratings for jobs and promotions in the department to favor campaign workers. CW-6 has provided information to the government pursuant to the terms of a proffer letter issued by the U.S. Attorney's Office, and testified before the grand jury concerning his/her participation in CW-1's political organization. No promises were made by the government to CW-6 concerning potential criminal liability in this investigation.

_____ B. Department 2

24. CW-7 is a former Commissioner of Department 2. CW-7 also worked in Department 1, and participated in CW-1's political organization. CW-7 described the manner in which: interview results were manipulated to favor campaign workers; political campaigns benefitted from City employees' labor; and those employees were rewarded with jobs or promotions through IGA. CW-7 told federal investigators that while he/she was Commissioner he/she was the head of a political organization, comprised mostly of Department 2 employees. CW-7 made statements pursuant to a standard U.S. Attorney's Office proffer letter, with the representation that CW-7 was a subject, but not a target, of the investigation.

25. CW-8 is a former Commissioner of Department 2. CW-8 described the role IGA played in recommending employees for *Shakman*-covered positions in Department 2, and described the manner in which the personnel director for the department, CW-11, received lists of names from IGA during hiring sequences for *Shakman*-covered positions. CW-8 made statements pursuant to a standard U.S. Attorney's Office proffer letter.

26. CW-9 is a former Commissioner of Department 2. CW-9 described his/her relationship with IGA concerning jobs and promotions in the department based on political influence in violation of the *Shakman* decree. On behalf of a political organization of Department 2 employees, CW-9 was also a contact person for campaign assignments from IGA. CW-9 made statements pursuant to a standard U.S. Attorney's Office proffer letter.

27. CW-10 is a former employee of both Departments 1 and 2. CW-10 is also a former employee of another local governmental entity. CW-10 told federal investigators that he/she was the head of a political organization comprised mostly of City employees and individuals who were

seeking City employment. CW-10 described how he/she sought jobs and promotions through IGA for those employees who performed campaign work in CW-10's organization. CW-10 made statements to the government pursuant to a proffer letter issued by the United States Attorney's Office. CW-10 also admitted in grand jury testimony that he/she paid bribes to CW-1 in exchange for work for trucking companies in which CW-10 had a hidden interest. In exchange for CW-10's truthful and continued cooperation, the government has agreed to enter into a pretrial diversion agreement with CW-10. It is understood that if CW-10 does not violate the law during a period of supervision, CW-10 will not be prosecuted for the crimes of bribery and mail fraud.

28. CW-11 is a former personnel director for Department 2. CW-11 participated in political organizations comprised mostly of City workers. CW-11 described how jobs and promotions for *Shakman*-covered positions in the department were determined by IGA officials and how the interview and rating procedures were manipulated in order to favor individuals pre-selected by IGA. CW-11 has provided information pursuant to a proffer letter issued by the U.S. Attorney's Office and has provided information in the hopes that the government will consider CW-11's cooperation in deciding whether to seek charges against CW-11, and if so, what charges will be filed and what sentence the government will seek for CW-11. No promises have been made to CW-11 concerning potential criminal liability in this investigation, beyond consideration of his/her cooperation.

29. CW-12 is a former high-ranking employee within Department 2. CW-12 voluntarily provided information to federal agents. CW-12 described his/her participation in rating and interviewing individuals for *Shakman*-covered positions and the manner in which those scores were

manipulated to favor candidates preselected by IGA. No promises were made to CW-12 concerning potential criminal liability in this investigation.

30. CW-13 is a former personnel director for Department 2. CW-13 voluntarily provided information to federal agents. CW-13 described how jobs and promotions for *Shakman*-covered positions in the department were determined by IGA officials and how the interview and rating procedures were manipulated in order to favor individuals pre-selected by IGA. No promises were made by the government to CW-13 concerning potential criminal liability in this investigation.

C. Department 3

31. CW-14 is a former high-ranking employee within Department 3. CW-14 told federal investigators that he/she was the head of a political organization comprised mostly of City employees and individuals who were seeking City employment. CW-14 described how political campaigns benefitted from City employees' labor and those employees were rewarded with jobs or promotions through IGA. CW-14 made statements to the government pursuant to a proffer letter issued by the United States Attorney's Office. CW-14 understands that CW-14 will be charged with a crime, and has admitted to investigators that he/she committed mail fraud and bribery (in connection with the City of Chicago's Hired Truck Program). CW-14 has provided information in the hopes that the government will consider CW-14's cooperation in deciding what charges will be filed against CW-14 and what sentence the government will seek for CW-14. No promises were made by the government to CW-14 concerning potential criminal liability in this investigation, beyond consideration of CW-14's cooperation.

32. CW-15 is a former personnel director for Department 4 and for Department 3. CW-15 described the manner in which: IGA preselected individuals to receive jobs or promotions in

Shakman-covered positions; and interview scores/ratings were manipulated to favor the preselected candidates. CW-15 has provided information pursuant to a proffer letter issued by the U.S. Attorney's Office and has provided information in the hopes that the government will consider CW-15's cooperation in deciding whether to seek charges against CW-15, and if so, what charges will be filed and what sentence the government will seek for CW-15. No promises have been made to CW-15 concerning potential criminal liability in this investigation, beyond consideration of his/her cooperation.

33. CW-16 is the personnel director for Department 3, and a former personnel director for Department 6. CW-16 described the rating and interview procedures in the department and the manner in which he/she implemented preselected decisions by manipulating interview scores/ratings for candidates he/she did not interview. CW-16 provided information pursuant to a proffer letter issued by the U.S. Attorney's Office. No promises were made by the government to CW-16 concerning potential criminal liability in this investigation, beyond consideration of his/her cooperation.

34. CW-17 is an employee with personnel responsibilities within a division of Department 3. CW-17 described the manner in which the department manipulated scores and ratings for candidates interviewed for *Shakman*-covered positions. CW-17 voluntarily provided information to federal agents. No promises were made by the government to CW-17 concerning potential criminal liability in this investigation.

35. CW-18 is a supervisory employee within Department 3, and has participated in the hiring process for approximately the past six years. CW-18 described the rating and interview procedures in Department 3 and the manner in which CW-18 implemented preselected decisions

through the interview process. CW-18 provided information voluntarily. No promises were made by the government to CW-18 concerning potential criminal liability in this investigation, beyond consideration of his/her cooperation.

36. CW-19 is a Career Service Motor Truck Driver (“MTD”) in Department 3. CW-19 voluntarily provided information concerning his/her promotion to his/her current position. CW-19 also described CW-19’s campaign work as a member of CW-14’s political organization. No promises were made by the government to CW-19 concerning potential criminal liability in this investigation, beyond consideration of his/her cooperation.

37. CW-30 is a Career Service MTD in Department 3. CW-30 has worked for the City as a driver since approximately 2001, and voluntarily provided information concerning his/her promotion to his/her current position in 2004. No promises were made by the government to CW-30 concerning potential criminal liability in this investigation, beyond consideration of his/her cooperation.

38. CW-31 is a former General Foreman of MTDs for Department 3. CW-31 voluntarily provided information concerning his/her promotion to his/her position. CW-31 also described his/her campaign work as a member of an aldermanic ward organization. No promises were made by the government to CW-31 concerning potential criminal liability in this investigation, beyond consideration of his/her cooperation.

_____D. _____Department 5

39. CW-20 is a former Commissioner of Department 5. CW-20 described the role IGA played in controlling hiring and promotions within the department. CW-20 made statements pursuant to a standard proffer letter issued by the U.S. Attorney’s Office.

40. CW-21, a former high-ranking employee in Department 5, told federal investigators that he/she was the head of a political organization comprised mostly of Department 5 employees. CW-21 described how interviews and ratings were compromised to favor IGA selections, and how IGA determined who, among competing political organizations, would be favored for City employment. CW-21 voluntarily provided certain information to agents, then provided additional details under the terms of a standard proffer letter. No promises have been made by the government to CW-21 concerning potential criminal liability in this investigation, beyond consideration of his/her cooperation.

41. CW-22 is the personnel director for Department 5. CW-22 assisted with CW-21's political organization. CW-22 described the personnel practices of the department and IGA's role in selecting candidates for interviews. CW-22 provided information to investigators pursuant to a proffer letter issued by the U.S. Attorney's Office. CW-22 has been advised that he/she is not at this time a target of the investigation, but no promises or other representations have been made by the government to CW-22 concerning potential criminal liability in this investigation.

SORICH and His Co-Schemers "Fixed" the Interview Process and Falsified the Rating Forms to Implement IGA's Hiring Decisions at the Expense of Equally and More Qualified Candidates

42. In interviews to law enforcement agents, witnesses from the operating (or infrastructure) departments of the City have described the interview and selection process for hiring and promotion in *Shakman*-covered positions. In general, witnesses from each operating department have stated that they did not discuss the hiring and promotion process with individuals from the other operating departments.

A. Department 1

43. CW-4 said that in his/her experience at Department 1 and Department 3, IGA typically pre-selected which applicants would get available positions, even prior to the initiation of any interview process. CW-4 said that IGA Officials were more influential than Department Commissioners in the hiring and promotion process. CW-4 said that over the years he/she participated in the promotion process, CW-4 would go to IGA and meet with Individual C, then Individual C's replacement ROBERT SORICH, and in or about 2002, Individual B (an IGA official who assumed some of SORICH's responsibilities) to receive the list of selected applicants whom IGA wanted to obtain the available positions. During the years CW-4 worked on personnel matters, throughout the 1990s until 2002, CW-4 dealt most frequently with SORICH. On average, CW-4 went to IGA about once a month to meet an IGA official to discuss available *Shakman* covered positions.

44. At these meetings at IGA, SORICH routinely identified for CW-4 the names of those who should be awarded the positions before the applicants were even interviewed. CW-4 believed SORICH provided the names in a prioritized manner, since the names were not given in alphabetical order. SORICH did not tell CW-4 why the names were to be chosen. CW-4 concluded, however, that a substantial number of the names SORICH gave were selected based on political factors. CW-4 had received names from SORICH's predecessor, Individual C. When Individual C gave CW-4 a list of names, he/she often identified for CW-4 the political sponsor of the employee. CW-4 understood that the hiring process under SORICH was the same as under Individual C.

45. For some positions, CW-4 screened the list of all applicants maintained at the City's main Department of Personnel to narrow the number of interviews conducted. CW-4 made sure that

applicants on SORICH's list were selected for interviews, and then filled any remaining interview slots. CW-4 said that he/she initially filled the remaining interview slots with qualified candidates, but as time went on, simply selected people at random because CW-4 knew that only those selected by SORICH would actually receive the position.

46. After CW-4 met with SORICH to receive the list of selected applicants, and typically before any interviews had been conducted, CW-4 gave the Commissioner of Department 1 and CW-1 the names of the applicants selected by IGA to receive positions in CW-1's division. CW-4 told CW-1 that these were the people whom IGA wanted selected for the available positions in his division. CW-1 then designated Department 1 employees to schedule and to conduct the interviews of the applicants. Based on the fact that the list SORICH gave CW-4 usually matched exactly with the list of the actual winners, CW-4 concluded that the interviews were scored in such a way as to guarantee that the applicants selected by IGA would obtain the available position.

47. According to CW-2, the first time he/she received the pre-selected IGA names from CW-4, CW-2 asked questions of CW-4 about why the process was conducted this way, and CW-4 indicated, in substance, that this was the way the process worked. CW-2 further indicated that he/she found the process "peculiar" and "interesting," and not the way CW-2 would have designed it. While CW-2 said CW-2 was personally not aware of any improprieties in the interviewing process, CW-2 believed politics played a role in the process and that it should not have played a role. On one or more later occasions, CW-2 was told directly by SORICH that CW-4 had received (or would be receiving) the names that IGA wanted selected. After the interview process, CW-2 approved the hires, based solely on the interview scores he/she was presented. CW-2 did not question the scores presented to CW-2, and said that the people with the highest scores were supposed to get the job.

48. CW-4 said that after the winners were officially chosen, he/she provided the interview results to IGA. In the atypical case in which a SORICH pick had not been selected, usually because of an obviously disqualifying factor, CW-4 would have to explain why to SORICH. At the conclusion of the interview process, CW-2 said he/she typically signed the *Shakman*-referral list, certifying that political considerations did not enter into the hiring decisions documented on the form.

49. According to CW-7 and CW-1, it was the practice of CW-7 and CW-1 to select the individuals who would conduct interviews of candidates for posted jobs. According to CW-1, after CW-4 gave CW-1 the names of those selected by IGA for the positions, CW-1 told his/her close associates, typically prior to any interviews being conducted, who was to receive the jobs. CW-7 and CW-1 reported that the individuals who conducted the interviews understood that the interviews were a sham, and that the winners had been pre-selected. The interviews and/or oral exams would be scored in such a fashion as to guarantee that the person pre-selected for political reasons would win the promotion. CW-1 reported that on some occasions the notification from IGA of the selection of the winner arrived after the interview/exam occurred.

50. CW-1 said there were occasions when CW-1 would complain to SORICH about the competence of SORICH's selections (for example, telling SORICH that a particular pick that was to win a position in CW-1's bureau was "a drunk"). According to CW-1, notwithstanding CW-1's comment, SORICH did not amend his hiring decision. Rather, SORICH's response would be, "Do the best you can with him." CW-1 understood that SORICH was directing CW-1 to try to make the best of SORICH's decision.

51. CW-1 said CW-1 understood that while most of SORICH's choices were on the basis of political sponsorship, there were some choices made at the requests of the leaders of unions that represented City employees.

52. CW-5 said that he/she served as an interviewer/rater for Department 1 from in or about 1996 to 2003. CW-5 said he/she was instructed by CW-1, CW-7, and Individual D, not to complete the numerical scores on the rating sheets at the time of the interview.³ CW-1, CW-7 and Individual D told CW-5 that they needed to get a list of names from CW-4 before the interview sheets could be completed. CW-5 understood that CW-4 obtained a list from IGA. A day or two, sometimes a week, after the interviews, CW-5 was called into CW-1's office to receive the scores for the interviews. The scores were typically given to CW-5 by Individual D. CW-5 said that unless an individual was on the list of pre-selected candidates, CW-5 could not rate the candidate 4.5 or higher (on a scale of 1 to 5). CW-5 recalled that he/she gave an impressive candidate a 4.4, but could not give the candidate a higher score because the candidate was not on the list of pre-selected winners.

53. CW-6 stated that he/she served as an interviewer/rater for Department 1 for many panels. CW-6 said he/she was instructed by CW-7 and Individual D not to complete the scores on the rating sheets at the time of the interview. A day or two after the interviews, Individual D contacted CW-6 and informed him/her what scores to give the applicants CW-6 interviewed. CW-6 described the process as a "joke" in that it was "rigged" for every interview panel in which CW-6 was a participant. CW-6 stated that some of the winning applicants were "goofballs" who should not have been awarded the positions.

³ Individual D was a supervisory employee in Department 1. He died in 2003.

54. CW-3 said that he/she served as an interview panelist for Department 1 fifteen to twenty times. Individual D and/or CW-5 told CW-3 to leave the scores blank; and after the interviews had been conducted, Individual D and/or CW-5 told CW-3 what total score to give the candidates. CW-3 then filled out the rating sheet to arrive at the total score directed by Individual D or CW-5. CW-3 said that he/she never questioned this rigged interview process, and believed that he/she had to “go along to get along.” CW-3 said he/she followed this process for every interview CW-3 conducted, with the exception of the first interview. The first time CW-3 conducted an interview, CW-3 rated the applicant contemporaneously on the rating form. CW-3 said that after CW-3 submitted the sheet, CW-5 told CW-3 that he/she was supposed to wait until CW-5 gave him a score. CW-3 said that based on his/her own experience and participation in CW-1’s political organization, one of the factors that accounted for the scores given to employees was the employee’s political participation.⁴

B. Department 2

55. CW-11 said that he/she frequently met with SORICH and, more recently, Individual B, at IGA offices in order to receive instructions as to who to hire or promote for *Shakman*-covered City jobs. CW-11 said Individual B became involved in 2001 or 2002. Once the hiring process had been initiated, but prior to any interviews being conducted, CW-11 met with SORICH and received a list of names from SORICH. SORICH prioritized the names, indicating which people were most important to SORICH. CW-11 understood that the names given by SORICH should be given the

⁴ As described *infra*, CW-3 and others have said that they advocated promotions to CW-1 for employees who worked on political campaigns, citing the employee’s political work when seeking the promotion for them. CW-3 identified aldermanic and mayoral campaigns as having received the benefits of work by City employees.

job or promotion under consideration. SORICH never discussed the candidates' job qualifications when giving CW-11 a list of names. On occasion, SORICH referred to the list of names CW-11 had handwritten, and said words to the effect of, "You'll get rid of that, right?"

56. After receiving the list of names to be hired by SORICH, CW-11 typically told the Commissioner of the department the names of the winners on SORICH's list. Often, the Commissioner selected the interviewer/rater conducting the interviews for the position. CW-11 usually told a trusted interview panelist who the "Mayor's Office" [a common reference to IGA] wanted to get the job.⁵ SORICH usually knew who was serving as an interview panelist. On at least one occasion, SORICH referred to an interview panelist and asked CW-11, "is that guy gonna be a problem?" CW-11 understood SORICH to be asking if the interview panelist could be trusted to rate SORICH's selections favorably.

57. After the interviews were conducted, CW-11 reviewed the scores given to the job candidates. On occasion, CW-11 altered scores (or asked the interview panelist to alter the scores) to ensure that SORICH's picks "won." CW-11 acknowledged that the interview process was rigged to favor SORICH's picks. At the conclusion of the interview process, according to CW-11, the Commissioner typically signed the *Shakman*-referral list, falsely certifying that political considerations did not enter into the hiring decisions documented on the form.

58. Agents interviewed CW-25, a supervisory employee of Department 2, and CW-25 voluntarily provided information to agents and testified before the grand jury. CW-25 acknowledged that CW-25 conducted interviews for *Shakman*-covered positions and that CW-11 would provide

⁵ CW-7 confirmed that when he/she was Commissioner, CW-11 told CW-7 who was on SORICH's list and CW-11 or CW-12 then selected trusted individuals to serve on interviews and select SORICH's picks.

CW-25 with a list of names before the interviews. CW-25 said he/she understood from CW-11 that the names were the people the “Mayor’s Office” wanted selected for the positions. CW-25 said that he/she rated the people on the list higher in the interviews and told agents that the interviews were just a formality. CW-25 told agents that the names on the list were not necessarily the best workers, and felt the names were based on nepotism or politics. CW-25 said that on occasion, CW-11 would send a ratings form back to CW-25 to change the score; sometimes CW-25 signed blank rating forms, for CW-11 to fill in the scores after the fact. CW-25 felt that it was not his/her place to question the system.

59. After the “winners” were selected, CW-11 told SORICH who was on the final list. During the process of selecting the winners, there would be occasions when an individual job candidate was unsatisfactory, either because of prior criminal history or poor work performance. CW-11 discussed such situations with SORICH, who usually told CW-11 that he would get back to CW-11 about it. Sometimes, SORICH told CW-11 to move down to the next name on the list. On one occasion, SORICH told CW-11 to at least give the person an interview.

60. In or about March 2005, CW-11 met with Individual B to receive IGA’s picks for the a particular skilled position. After CW-11 wrote down the names given by Individual B, Individual B said words to the effect of, “You’re gonna get rid of that, right?” SORICH joined the conversation and said, in reference to the subsection of Department 2 associated with the subject position, “We’ve never been able to penetrate that department.” CW-11 understood SORICH’s comment to mean that IGA was less successful exerting influence over hiring decisions in that section of the department, in contrast to the positions such as Motor Truck Driver, Laborer and other positions that IGA typically controlled.

61. Although SORICH never explicitly stated why certain names were selected, CW-11 understood that the names given by SORICH were based on political considerations. CW-11 recognized names affiliated with political organizations, such as CW-10, Ward Organizations, and groups with which CW-11 was affiliated.

62. CW-11 stated that CW-11 felt that if he/she did not follow SORICH's instructions, CW-11 would be reassigned or terminated.

63. CW-11 said he/she had been told by CW-13, CW-11's predecessor, that CW-11 worked for IGA, not the Commissioner of her Department, and that the ability to manipulate the interview and rating process could help IGA. CW-13 also told CW-11 not to include SORICH's name on any memos concerning hiring that CW-11 sent to the Department of Personnel. CW-11 understood from CW-13 that CW-11 was to conceal IGA's role in the hiring and promotion process.

64. CW-13 said he/she served as personnel director of Department 2 from in or about 1992 until 1994. CW-13 said that he/she understood that IGA was not supposed to control decisionmaking for hiring *Shakman*-covered positions, but that in fact, IGA and in particular, SORICH had ultimate authority for *Shakman* positions. CW-13 stated that if he/she did not go along with IGA, he/she would have been fired. CW-13 said that the hiring process was done such that the winning applicants were pre-determined by SORICH. If a rating sheet came back to CW-13 and a SORICH pick did not receive a high score, CW-13 either completed a new sheet with a higher score and sent it to the interviewer to sign, or asked the interviewer to complete and sign a new form with a higher score.

65. CW-13 called SORICH with the results of the hiring process only if someone on SORICH's list did not get the job. CW-13 recalled that on one such occasion, SORICH told CW-13 that SORICH might be able to get the candidate a job in another department.

66. CW-12 said that as a high-ranking employee in Department 2, he/she selected individuals to interview job candidates. CW-12 said that for *Shakman*-covered positions, he/she received a list of names from CW-11, a list CW-12 referred to as "the blessed list." CW-12 understood that the names on the list were the people that the Mayor's Office wanted hired for the position. CW-12 told the interviewers conducting the interviews who was on the "blessed list." On occasion, CW-11 would tell CW-12 that a rating sheet needed to be redone because an IGA pick was not scored correctly to win the position. CW-12 said he/she would give the interviewer a new sheet and direct the person to sign the new sheet. CW-12 said that he/she would sometimes complain about the competence of someone on the blessed list. Sometimes, a person about whom CW-12 complained would not receive the position; sometimes a person about whom CW-12 complained received the position notwithstanding CW-12's complaints.

67. CW-10 has identified specific instances where SORICH told CW-10 that individuals would receive a position before any announcement of the winners had been made.

68. CW-10 lobbied SORICH on behalf of CW-26 for a promotion to a position that required specialized skills. SORICH told CW-10 that CW-26 would get the promotion two days prior to the winners being announced. CW-10 is aware that some of the individuals that were hired along with CW-26 were Motor Truck Drivers and not qualified for the job. CW-10 also lobbied on behalf of Individual E for one of three hoisting engineer foreman positions. SORICH told CW-10 that Individual E would get the promotion prior to the winners being announced.

69. Agents have reviewed City personnel documents indicating that CW-26 received the promotion to the skilled position in 2002. In connection with the government's investigation of the City's Hired Truck Program, CW-26 has been charged with mail fraud and making false statements. CW-26 has pled guilty and agreed to cooperate with the government. In exchange for his/her continued truthful cooperation and guilty plea, the government will make a motion to reduce CW-26's sentence. According to CW-26, he worked for CW-10's political organization and CW-10 told CW-26 that he would help get CW-26 a promotion to the skilled position. CW-26 said that CW-10 told CW-26 that CW-26 would get the promotion before he/she was officially notified by the City. CW-26 also noted that while he/she was qualified for the position, three other individuals who were promoted were not qualified.

70. CW-8 described the hiring process during his/her tenure as Commissioner. CW-8 said that after interviews had been conducted, CW-11 gave CW-8 a list of names of recommended hires and pointed out those names recommended by the "Mayor's Office." CW-8 assumed that CW-11 had conversations with SORICH; based on CW-8's experience in City employment, CW-8 knew that IGA gave recommendations for *Shakman*-covered positions. After reviewing the names with CW-8, CW-11 would tell CW-8 that CW-11 was going to call SORICH. CW-8 said he/she knew that City employees with political affiliations received jobs or promotions through advocacy by IGA. By the time CW-8 became a Commissioner, CW-8 knew that political hiring was a reality in the City.

71. CW-9 described the hiring process throughout his/her tenure as Commissioner. CW-9 reported he/she would receive the list of IGA recommendations from the personnel director (CW-11) for *Shakman*-covered hiring sequences. CW-9 said that he/she believed that CW-11 would tell

the interviewers who was recommended by IGA. CW-9 said that he/she at times recognized the people listed by IGA as individuals who belonged to Ward Organizations. As to the selection process, CW-9 said he/she knew that political considerations played a factor in the ratings, specifically that people were rated favorably if they had political affiliation, and that this was prohibited by the *Shakman* decree. CW-9 said that he/she felt pressure from IGA to follow its requests, and feared that he/she would lose CW-9's position as a Commissioner if he/she did not give deference to IGA. After the interviews, CW-9 met with CW-11 and others to learn who had been given the highest ratings.

72. After learning of the results of the interviews, if a candidate was not qualified, but had been previously identified by IGA, CW-9 told IGA that the department could not hire the person. CW-9 said that IGA would agree to his/her decision not to hire someone CW-9 believed was not qualified. CW-9 identified the individuals at IGA with whom CW-9 discussed hiring over the years, including Individual C, Individual F and SORICH. CW-9 said he/she spoke with SORICH at IGA about hiring decisions in the late 1990s. CW-9 recalled one occasion when he/she disagreed with an IGA selection and told SORICH that the person was not qualified. SORICH told CW-9 to put the person on a waiting list for the next opening. CW-9 explained that there is no formal waiting list for positions, and that CW-11 would have to informally maintain a waiting list. CW-9 said that he/she understood that such informal waiting lists would be kept as requested by SORICH, but CW-9 was not sure in what form the waiting list was maintained. CW-9 said that those individuals on such a waiting list had an advantage in obtaining jobs the next time a position opened.

C. Department 3

73. CW-15 was the personnel director for Department 3 from 1998 to 2004. CW-15 said that throughout his/her years as a personnel director, CW-15 would routinely meet with SORICH, and beginning in or about 2002, Individual B, to receive lists of names of people to hire or promote. CW-15 understood that these selections were to receive the designated positions.

74. CW-15 said that SORICH's knowledge of the interview and hiring process was extensive. CW-15 said he/she would discuss the interview and scoring process with SORICH. CW-15 noted that CW-15's director of staff services from 2000 to 2004, Individual G, was a close personal friend to SORICH; Individual G and SORICH talked frequently; Individual G often met with SORICH to obtain names for hires and promotions; and Individual G and CW-15 together gave inflated ratings to candidates to implement SORICH's list.

75. In order to implement SORICH or Individual B's decisions, CW-15 first ensured that those people on IGA's list were selected to be interviewed. For many *Shakman*-covered positions, particularly new hires (as opposed to promotions) there were more applicants than interview slots. A personnel officer from the department screened the applications to cull the list down to the individuals who would be interviewed. CW-15 made sure that the IGA selections made the final list of individuals to be interviewed.

76. Over the years, there would be occasions when a bid to a position was closed. Nevertheless, according to CW-15, late applications were allowed to be submitted (either back-dated or with blank application dates). These applications were submitted through CW-15's office, SORICH's office, or through the Commissioner's office to the City's main Department of Personnel.

Candidates favored by IGA were able to submit late applications to positions for which applications were closed in this manner.⁶

77. CW-15 met with SORICH to get names of preselected candidates approximately once a week or once every two weeks. Beginning in 2000, CW-15's coworker, Individual G, also obtained names from SORICH.

78. CW-15 stated that, as to *Shakman*-covered interviews, although the panelists conducted the interviews, they did not fill in the rating sheets for the interviews or otherwise rate the interviewee. At the end of the interviews, the rating sheets were collected and provided to CW-15. CW-15 stored the interview rating sheets in his/her office and took no action with them until instructed. For certain positions, CW-15 and Individual G served as the interviewers for the jobs or promotions.

79. At some time shortly after the interviews for *Shakman*-covered positions, CW-15 would typically go to IGA and speak with SORICH and, on occasion beginning in 2002, Individual B, about the candidates IGA wanted selected. The IGA official provided CW-15 with the names of the people that IGA wanted selected for the positions. SORICH usually gave CW-15 a list with the winners' names highlighted. CW-15 would also receive information regarding the candidates whom the department Commissioner wanted selected. In addition, CW-15 recalled receiving visits from CW-14, who would provide him names of people CW-14 wanted to win, telling CW-15 that CW-14 "spoke to Bob [SORICH] about this."

⁶ CW-7 and CW-4 each stated that IGA occasionally made last-minute changes to the list of pre-selected winners. After a bid was closed, CW-7 and CW-4 each said that IGA was able to get additional names onto the list of bidders maintained by the City's central personnel department. CW-4 described having to return to main personnel to re-screen and capture the changes made at main personnel.

80. Ultimately, during these series of conversations with SORICH (some of which occurred in CW-15's office), SORICH told CW-15 the names of the candidates who were to be selected to win the positions. SORICH usually provided the winners' names to CW-15 from a highlighted candidates' list SORICH presented to CW-15. Upon being shown the list from SORICH, CW-15 handwrote the names of the winners on another document and returned the highlighted document to SORICH.

81. On at least one occasion, SORICH gave CW-15 the list of winners' names, then took the list back from CW-15. CW-15 saw that, next to each winners' name, was the political organization or "clout" of the winner. SORICH instructed his assistant, CW-29, to make a copy of this particular list of winners for CW-15 and to redact the columns which reflected the sponsors of the winners.

82. After receiving the list from SORICH or Individual B, CW-15 and other S&S officials researched the candidates to identify if any of them had significant disciplinary, attendance or drug problems. If an IGA selection appeared to have significant problems, high-ranking employees Individual H or Individual I instructed CW-15 to tell SORICH or Individual B that the department did not want to hire or promote the person. On those occasions, SORICH or Individual B would approve the decision not to hire or promote but asked CW-15 to provide IGA with the disciplinary paperwork on the candidate. SORICH explained to CW-15 that SORICH wanted to be able to explain to the job candidate's political sponsor the reasons behind the failure to promote.

83. CW-15 stated that the above-described check on discipline and drug use eliminated only those potential employees with serious disqualifying factors. CW-15 said that more qualified candidates would not receive positions in order to favor IGA selections. As an example, CW-15 said

that there were drivers that were not selected even though they had superior driving qualifications compared to individuals selected by IGA.

84. Once CW-15 received the names of the winners from SORICH for a particular hiring sequence, CW-15 returned to his/her office and, typically with the assistance of others in the personnel department, filled out the rating forms to reflect the SORICH decisions. CW-15 said that the scores given had nothing to do with merit or qualification and were based solely on SORICH's list.

85. According to CW-15, at the end of the hiring process for certain positions, Individual H, a high-ranking Department 3 employee, often created a color-coded document to reflect all the winners' names as well as the political organization or union sponsor associated to particular winners. CW-15 said that union leaders often negotiated with Individual A to request hires or promotions for particular employees, sometimes based on seniority and sometimes based on other, often unidentified reasons. CW-15 said that Individual A sometimes made such concessions to union leaders. As an example, CW-15 said that for a position with fifty vacancies, ten positions might be given based on union requests and forty might be given based on IGA-political selections. According to CW-15, none of the decisions were based on a good faith interview and selection process.

86. CW-18 said that on two or three occasions, he/she saw lists of names of interviewees for upcoming interviews on Individual H's desk. CW-18 noted that the lists were highlighted with different colors. Although Individual H did not tell CW-18 what the colors represented, CW-18 inferred that the colors represented the applicant's political clout. CW-18 said that Individual H often asked CW-18 to put together interview panels. Once CW-18 put together the panels, CW-18

followed up with Individual H. CW-18 said that sometimes, Individual H would tell CW-18 that they were not ready to do the interviews because, “we haven’t gotten the list yet from downstairs.” CW-18 understood “downstairs” to mean the “Mayor’s Office.” From time to time, when CW-18 was in Individual H’s office, CW-15 stopped by and told Individual H that CW-15 was going to see SORICH.

87. CW-15 estimated that CW-15 and Individual G administered approximately 40 *Shakman*-covered hiring sequences per year, virtually every time manipulating and falsifying the ratings. At the conclusion of the hiring process, CW-15 sometimes signed the *Shakman* referral form on behalf of the Commissioner (who delegated signature authority to CW-15).

88. CW-17 said that he/she had been involved since 1998 for hiring for union-covered positions in CW-17’s division of Department 3. CW-17 would sit down with the technical people in the division and discuss who they wanted to be hired or promoted. The deputy commissioner who managed the division would meet separately with the technical people and develop their own list of recommendations, which CW-17 would not see. Interviews would then be conducted; CW-17 was on panels, along with some technical people. CW-17 would then receive a phone call from the personnel director, who would say words to the effect of, “here’s who we’re going with.” CW-17 never received this winners’ list before the interviews, but always after them.

89. After receiving the names of the winners, CW-17 would fill out all the rating forms. CW-17 routinely used 4.0 scores for winners because that was the easiest for CW-17. CW-17 said that the ratings had nothing to do with the results of the interviews. Instead, the ratings were based solely on who had been identified as winners. CW-17 then sent the rating forms to the main Department 3 office, along with a memo listing everyone’s score.

90. CW-17 reviewed one particular rating sequence for a general foreman position. CW-17 identified two winners who CW-17 believed were not qualified and did not have as much experience as some others. For that sequence, the interviews were done April 6, 2004; CW-17 filled in the scores and prepared the rating sheets and the cover memo on July 28, 2004.

91. CW-17 never felt comfortable with this process; CW-17 said he/she voiced objections about some of the winners, but never put up a “moral battle.” CW-17 said that he/she had no influence on the process, and no one cared what CW-17 thought.

92. The investigation has identified three additional hiring sequences in Department 3 in which interview scores/ratings were falsified and manipulated based on IGA’s selection of job recipients:

_____ 1. General Foreman of MTDs (2001)

93. In or about January 2001, according to City documents, Department 3 personnel prepared an A form for a new General Foreman of MTDs. The A form expressly stated that the position was covered by *Shakman*. CW-15 signed the A form on behalf of the Department’s Commissioner, and placed his/her initials next to the Commissioner’s name.

94. In or about February 2001, the City accepted bids on the General Foreman of MTDs position. According to City documents, 36 people submitted bids for the job. All of the bidders were members of the Teamsters union, and therefore were designated as qualified for the position.

95. CW-15 described the position of General Foreman of MTDs as a relatively high-level position, and said that there was extensive discussion within IGA about who should receive the spot. CW-15 stated that IGA began discussing the position and IGA’s selection for the spot in February 2001, after receiving the list of bidders from CW-15, but before interviews were conducted.

96. CW-18 was an interviewer for the General Foreman of MTDs position in 2001. CW-18 said that before any interviews were conducted for the position, CW-18 met with CW-15, Individual G and another individual. CW-15 told CW-18 not to fill in any numerical ratings, and to sign blank forms instead. Based on an earlier conversation with Individual H, CW-18 understood that the winner of the position had already been selected. CW-15 told CW-18 to ask only a few questions during the interviews, and that they would get the interviews done quickly. CW-18 said CW-18 did not evaluate the candidates he/she interviewed because CW-18 understood that there was no real competition for the job. CW-18 noted that the interview process “isn’t right.”

97. CW-15 acknowledged that on the day of the interviews, CW-18 was instructed to sign CW-18’s name to blank rating forms, and not to give any numerical ratings. CW-15 said that CW-15 and the other panelists were just “going through the motions;” they did not ask in-depth, penetrating questions about the candidates’ skills or qualifications for the position. CW-15 said such questions were not asked because the interview itself was irrelevant. IGA determined the job selection; the interviews did not affect the outcome.

98. CW-15 and Individual G gave the pre-selected winner the highest rating of the 37 interviewees. According to CW-15, the high rating was not based on merit or the interview process, but on the fact that IGA instructed CW-15 as to the winner. CW-15 and Individual G gave each of the remaining 36 candidates lower ratings.

99. CW-31 received the General Foreman of MTDs position. According to CW-31, by 2001, CW-31 had been volunteering for a particular Ward Organization for approximately 25 years. CW-31 stated that being in a political organization “kept [him/her] working.” CW-31 informed the Ward Organization that he/she was putting in a bid for the General Foreman of MTDs position, and

that person said he/she would notify the Alderman. CW-31 does not know whether or not the Alderman assisted CW-31 in getting the job. CW-31 stated that he/she suspects the union had some influence in CW-31 getting the position.

_____2. Career Service MTDs (2004)

100. CW-15 reviewed documents obtained from the City concerning a promotion to Career Service MTD in 2004. As noted below, a copy of a color-coded list associated to this hiring sequence was recovered from Individual B's office on April 29, 2005. CW-15 reviewed the color-coded list recovered from Individual B's office and identified it as one of Individual H's. CW-15 confirmed that CW-15 had previously reviewed this list, and that SORICH was likely to have received the list. Individual H and Individual I often asked CW-15 to run Individual H's lists past SORICH. CW-15 understood that Individual H and Individual I negotiated the final list of winners with SORICH.

101. CW-15 and Individual G interviewed the candidates for the Career Service position. After the interviews, CW-15 and Individual G met with Individual B to go over the list of MTD candidates. Individual B gave them the names of the applicants who were to receive the promotion.

102. After the meeting with Individual B, CW-15 said that CW-15 and Individual G signed the rating sheets for the Career Service MTD position and gave the scores to the applicants. CW-15 said that CW-15 and Individual G scored the IGA picks the highest, giving them a score of 5.0. They gave the non-IGA picks lower scores. CW-15 said these ratings were not based on the interviews, but based on Individual B's selections.

103. Agents obtained the rating sheets and *Shakman* certification from the City pertaining to the Career Service MTD positions. The rating sheets for those individuals selected for the

position are signed in the names of Individual G and CW-15 and each winner was rated 5.0. CW-15 noted that it was his/her practice, since in early 1990s when he/she was the personnel director for Department 4, to make sure there was at least a one point differential between those selected and those not selected for the position, in order to minimize the chances of a grievance succeeding.⁷ The rating sheets for the 2004 CS MTD position fit the pattern described by CW-15. No person was rated between 4.0 and 5.0, and only those who received a score of 5.0 received the position.

104. CW-30 received the Career Service MTD in 2004. CW-30 was doing seasonal driving work for the City and wanted a career service position. CW-30 stated that he/she joined the CW-14 political organization so that CW-14 would assist him/her in getting promoted within the City.

105. According to CW-14, CW-14 did, in fact, submit CW-30's name (and CW-19's) to SORICH for the MTD spot, telling SORICH that CW-30 was in CW-14's political organization. As described below, CW-14 submitted typed memos to Individual B and SORICH making personnel requests for CW-14's campaign workers. CW-19 is listed in CW-14's February 19 memo to

⁷ CW-15 said that when he/she was personnel director for Department 4 in the early 1990s, the First Deputy Commissioner was Individual C (who was previously at IGA in a role succeeded by SORICH). CW-15 said the hiring process for *Shakman*-covered positions in Department 4 was the same as in Department 3. When a hiring sequence occurred, CW-15 would speak to SORICH and receive a list of names to select as job recipients. CW-15 recognized the political sponsor of some of the individuals selected by IGA for positions with Department 4. After receiving the list from SORICH, CW-15 shared the list with Individual C. CW-15 instructed the interview panelists not to complete the scores. CW-15 filled out the rating scores after the interviews had been conducted and made sure the SORICH selections were given the highest score, without regard to merit or qualifications. CW-15 said that certain panelists also filled out the forms with CW-15, following instructions as to who to rate favorably. Other than instances where an individual failed a drug test, the SORICH selection always "won" the position when CW-15 was personnel director for Department 4.

McCARTHY and both CW-30 and CW-19 are listed in the March 9 memo to SORICH as a request for a Career Service Motor Truck Driver position.

106. CW-30 attended the March 27, 2004 interviews, and received a 5.0 score/rating on the interview.

107. Later, on or about July 15, 2004, CW-30 received a letter in the U.S. mail informing CW-30 that he/she received the Career Service MTD position.

108. CW-19 also received the Career Service MTD position in 2004. CW-19 said that from 2001 to 2004, he/she was a seasonal Motor Truck Driver (MTD) assigned to Department 6. A relative of CW-19's was under the supervision of CW-14. CW-19's relative advised CW-19 to participate in CW-14's political organization because such campaign work would help CW-19's career with the City.⁸

109. From February 2003 until April 1, 2004, CW-19 was on active military duty in Iraq. CW-19's relative advised CW-19 that an opening for Career Service MTD in Department 3 had closed while CW-19 was overseas. CW-19's relative told CW-19 that the relative had talked to CW-14 and that CW-19 should submit an application to Department 3. CW-19, accompanied by the relative, submitted the application in late May or June 2004 (after the bid was closed) to a personnel officer in Department 3.⁹ CW-19's relative advised CW-19 to thank CW-14 for getting CW-19 the job.

⁸ CW-19 said he worked on a gubernatorial and U.S. Congressional campaign as part of CW-14's organization.

⁹ As noted above, CW-15 said that back- or blank-dated applications for favored candidates were submitted for positions after bids were closed.

110. CW-19 did not interview for the position and received the Career Service MTD position. However, agents have recovered the rating forms for CW-19, which documents purport that CW-19 was interviewed on March 27, 2004, at which time CW-19 was in Iraq. CW-19 was given a 5.0 rating.

111. According to CW-15, after the interviews were conducted, either SORICH or Individual B raised a question about whether CW-19 was in Iraq at the time of the bids and interviews for the Career Service MTD position (interviews that were conducted in Chicago). CW-15, in turn, asked Individual H. According to CW-15, Individual H reported back that Individual H spoke with another relative of CW-19's (also a City employee), and that CW-19 was in Chicago during the bidding process and at the time of the MTD interviews. CW-15 repeated that (incorrect) information to either SORICH or Individual B, who was satisfied that CW-19 could receive the MTD position.

112. CW-19 said that CW-14 told CW-19 that it took a lot of work to get CW-19 the job. CW-19 understood CW-14 to be referring to competition among different political groups for jobs.

_____. 3. Equipment Dispatcher (2004)

113. CW-16 succeeded CW-15 as personnel director in Department 3 in 2004. CW-16 said he/she learned from Individual H, Individual G and other coworkers in personnel that interviews were not scored by the individuals who conducted the interview. Specifically, CW-16 stated that one of the first hiring sequences he/she was asked to coordinate was a position for Equipment Dispatcher in the Summer of 2004. According to City records, interviews were scheduled for August 7, 2004. Even before the interviews took place, however, CW-16 said Individual H contacted CW-16 and told CW-16 who the five winners would be. During a search of Department 3 offices, agents

recovered a handwritten list of five names corresponding to the pre-selected winners for the Equipment Dispatcher position.

114. One of the “winners” on the list, Individual J, died before the interviews were conducted. According to CW-14, Individual J was a political worker in CW-14’s organization, as were five other people CW-14 had recommended. CW-14 submitted the names of these campaign workers to SORICH. Individual I told CW-14 that certain of CW-14’s candidates would likely get the job because of their seniority.

115. CW-16 complained to Individual G about filling scores for interviews he/she did not conduct. Individual G said that this was the best way to do it, and the same thing happened with CW-15. Individual G told CW-16 that Individual G and CW-15 signed the rating forms for the interviews conducted for the 2004 Career Service Motor Truck Driver positions.

116. CW-14’s March 9, 2004, memo to SORICH in which CW-14 submitted personnel requests (*see below*), identified individuals CW-14 wanted to receive the position of Equipment Dispatcher. Of the six names in CW-14’s memo, three of those names coincide with the names CW-16 received from Individual H – the names CW-16 was told to favor in the rating process, including Individual J, the person who died before the interviews had been conducted.

117. CW-18 participated in interviews for the position of Equipment Dispatcher in 2004. Before the interviews took place, Individual H showed CW-18 a handwritten list of five names and told CW-18 that, “These are the guys who are going to get it.” CW-18 knew that four of the names on the list were affiliated with CW-14’s political organization and that CW-14 was pushing for them to get the job. CW-18 conducted interviews for the position, but said that he/she did not believe the interviews mattered because the winners had already been selected.

D. Department 5

118. CW-22 described a process for hiring *Shakman*-covered positions for Department 5. CW-22 said that he/she would call SORICH, or receive a call from SORICH, when hiring for a position was about to begin. Typically, CW-22 would meet with SORICH, and SORICH would read a list of names of people that SORICH wanted interviewed for the position. CW-22 wrote down the names. In more recent years, CW-22 said he/she met with Individual B at IGA. Prior to interviews being conducted, CW-22 told either the Deputy Commissioner of the Bureau within which the vacancy existed or an interviewer conducting the ratings who the Mayor's Office was interested in. CW-22 told the Commissioner the names he/she received from IGA for certain jobs. According to CW-22, those individuals who the IGA official identified typically received the position. CW-22 said he/she was not aware of fixed scores/ratings.

119. CW-20, a former Commissioner, said that he/she did not select the panelists who conducted interviews in the department. CW-20 said that he/she learned in the first year of being Commissioner that IGA was integral to the hiring process for *Shakman*-covered positions. CW-20 said CW-20 knew that the personnel director, CW-22, talked to SORICH "all the time" about *Shakman*-covered positions. When CW-20 asked CW-22 about a seniority list or a vacancy for a *Shakman*-covered position, CW-22 often said, "you have to talk to ROBERT SORICH about that," or "that's what they [IGA] want." CW-20 recalled telling CW-22 the order in which CW-20 wanted certain vacancies to be filled. CW-20 later learned that the vacancies were filled in a different manner. CW-22 told CW-20, "that came from across the street." CW-20 understood that CW-22 was referring to IGA.

120. CW-20 said he/she received telephone calls from SORICH and Individual B, asking him/her when hiring and layoffs would occur for *Shakman*-covered positions, but said that he/she was not aware that IGA provided lists of names to CW-22. CW-20 said that he/she did not know why IGA was involved in *Shakman*-covered hiring at all, and that it did not occur to CW-20 to ask.

121. CW-20 knew that there were political organizations comprised of Department 5 employees and heard from one employee that the head of one of the Department 5 political organizations treated “political guys” favorably at work. The employee told CW-20 that the head of the Department 5 political organization brought names to CW-22 to get his/her “political guys” hired.

122. CW-21 said that he/she served on many interview panels for applicants for City positions in Department 5 from 1989 to 1997. CW-21 understood at that time that the winners would be selected by IGA based on their political affiliation, and that CW-21’s job was to score the pre-selected winners highest in the interviews, regardless of their actual merits. CW-21 said that he/she would be routinely told by the personnel directors, including CW-22, who they wanted to win. The group of interview panelists would typically be called together before the interview and given the names as a group by the personnel director or one of their staff. If it was a large group of vacancies, they would give CW-21 and the other interview panelists a list in writing. The other interviewers and CW-21 would then rate the candidates according to the list.

123. In his proffer, CW-21 estimated that he/she hired 15-20 inspectors during CW-21’s time as a supervisory employee. Several came from other political organizations, and were hired on SORICH’s direction. SORICH or CW-22 told CW-21 which people to hire. Either way, CW-21 understood the direction was from SORICH and IGA. (In several cases, it was obvious to CW-21

that poorly qualified candidates were hired because of their political affiliation.) After getting the names from IGA or CW-22, CW-21 would pass on the names to the line managers doing the interviews, telling them that the people on the list were those they wanted and were being asked to hire. The interviewers gave those people the best scores. The people on the list were hired unless they failed the drug test or did not appear for the interview. According to CW-21, all of the interviews for these positions were fixed in advance.

Campaign Coordinators Seek Jobs and Promotions from IGA

124. Witnesses have described the process by which the coordinators of political organizations, composed mostly of City employees, sought and in many instances obtained jobs or promotions as a result of the campaign work performed by their organization of City workers.

A. Department 1

125. According to CW-1, upon the announcement of the bidding process for a particular *Shakman*-covered position, CW-1 contacted IGA and scheduled a meeting, typically with SORICH. The purpose of the meeting was to make recommendations to IGA for Department 1 employees active in CW-1's political organization (which CW-1 referred to as "moving forward" on that employee) to obtain promotions for the posted openings (which CW-1 referred to as "getting made"). In making these recommendations, CW-1 typically described the political work of the particular individual in an attempt to justify the promotion request. These meetings with IGA typically occurred at City Hall, in the IGA Offices, often in the presence of a Department 1 official accompanying CW-1. From the 1990's until 2004, CW-1 had several such meetings per year with SORICH. Through these meetings and communications with IGA, CW-1 also learned that other City employees who ran political organizations, such as CW-10 and CW-14, had similar meetings

with IGA for the purpose of recommending politically active City employees to the *Shakman* covered positions.

126. CW-1 stated that he/she typically gave 3x5 index cards with specific information concerning favored political workers who sought *Shakman*-covered jobs within the City to SORICH or other IGA officials. CW-7 said that he/she prepared 3x5 cards for CW-1 to give to IGA. CW-7 and CW-1 stated that CW-1's initials were placed on the cards so that IGA would know which candidates were members of CW-1's organization, as CW-1 competed with other political organizations for promotions for workers. CW-3 said that in or about 2003, he/she accompanied CW-1 to a meeting with SORICH at SORICH's office at the IGA. At the meeting, CW-1 was requesting a promotion for a person, then a Department employee. In recommending this employee for a promotion, CW-1 provided SORICH an index card in CW-3's presence.¹⁰

127. In reviewing documents obtained from the City by federal law enforcement and shown to CW-1, CW-1 identified several sequences of promotions where CW-1 "moved forward" on behalf of CW-1's political workers to SORICH and they eventually "got made" by SORICH approving the promotion request. CW-1 said he/she had conversations with SORICH, in which SORICH would not promise a promotion, but would instead say he would "see what he could do," or say, "maybe next time." CW-1 acknowledged that CW-1 was competing for SORICH's favor with other political coordinators.

¹⁰ CW-3 recalled a conversation with CW-1 about 3x5 index cards. CW-1 told CW-3 words to the effect of, "That's what you do [CW-3], so you never slip up, always put it on a 3x5 card, then destroy it later."

B. Department 2

128. According to CW-7, between 1998 and 2000, CW-7 had meetings with Individual N, a former high-ranking City official, and SORICH to discuss: (a) CW-7's organization's campaign performance on behalf of the candidates identified by IGA; and (b) recommendations CW-7 had for promoting particular individuals to the posted openings. The individuals CW-7 recommended for promotion were individuals who were active in CW-7's political organization. CW-7 also said that prior to 1998, he/she would accompany CW-1 when CW-1 would meet with Individual N and/or SORICH to discuss CW-1's political organization and recommendations. In many cases, the individuals CW-1 recommended for promotion were individuals who were active in CW-1's political organization.

129. CW-7 identified other political coordinators as competitors to CW-7's organization. According to CW-7, Individual N and SORICH fostered the competition for City jobs for political workers, in order to encourage the political coordinators to work campaigns. On one occasion, CW-7 said that SORICH told CW-7 to lower CW-7's expectations because there were other political organizations that SORICH needed to help.

130. In recommending individual people to Individual N and/or SORICH, CW-7 stated that CW-7 described the campaign work of the particular individual. These meetings typically occurred at City Hall, in the IGA Offices. CW-7 saw coordinators for other political organizations, such as CW-10, CW-1 and CW-21, visiting SORICH's office.

131. CW-10 stated that he/she went to SORICH to lobby for jobs and promotions for individuals in CW-10's political organization. CW-10 told SORICH the type and amount of political work that the job candidate had done. SORICH was interested in the candidate's political volunteer

work. SORICH never asked CW-10 whether the volunteer was a good employee or about his work experience. CW-10 identified specific promotions that SORICH awarded to CW-10's campaign workers. SORICH never gave CW-10 a definite answer on jobs, but would say that he would try to do it.

132. CW-10 typically submitted his/her political workers' job applications directly to SORICH, and not to the personnel department. In addition, CW-1 taught CW-10 to use index cards with SORICH. CW-10 wrote the names of the candidates for whom CW-10 lobbied onto index cards, and prioritized the names. CW-10 gave the index cards to SORICH, but CW-10 also made a copy for CW-10. When SORICH would discuss CW-10's job candidates, CW-10 took notes on his/her own set of index cards, for future reference. CW-10 relayed any information that IGA provided CW-10's volunteers, so they would know that CW-10 lobbied IGA on their behalf.

133. CW-10's volunteers told CW-10 when they were called for an interview. CW-10 often called SORICH to thank SORICH. Sometimes, SORICH would show CW-10 a list, and say that CW-10's job candidate would get a call. CW-10 often heard from IGA that CW-10's preferred job candidate would get the job or promotion. If CW-10's job candidate did not get the job, CW-10 set up an appointment with IGA to discuss the volunteer. If CW-10 did not succeed in getting a person promoted, SORICH would say words to the effect of, "Maybe next time."

134. CW-10 stated that he/she recalled an instance where in his presence, SORICH called the personnel officer for Department 1 to tell the personnel officer that one of CW-10's "guys" should receive a position.

C. Department 3

135. CW-14 stated that beginning in or about 2000, he/she gave typewritten lists to SORICH identifying CW-14's political workers and the *Shakman*-covered job or promotion they sought. CW-14 said that he/she typically gave these lists to SORICH before elections. The timing was important to CW-14 because prior to elections, SORICH directed campaign coordinators like CW-14 to deploy his/her forces, and that was an appropriate time to submit requests for favorable job action on behalf of the campaign workers. CW-14 said that SORICH told CW-14, "as to jobs [for your political workers], you deal only with me." CW-14 understood that SORICH did not want anyone else from CW-14's organization asking SORICH for jobs.

136. After elections, CW-14 submitted reminders to SORICH on an index card, typically identifying an individual request. CW-14 said that when he/she gave a list of names to SORICH, CW-14 told SORICH, "These are my guys," referring to his/her political organization. CW-14 said that SORICH would write notes on 4x6 cards about CW-14's names. When presenting a list of names, CW-14 often told SORICH that CW-14 needed to help CW-14's "guys" in order to hold the political organization together. SORICH usually said, "We'll see what we can do." According to CW-14, CW-14 and SORICH discussed jobs for CW-14's workers as a means of holding political workers accountable for performance on campaigns.

137. In 2003, in discussing the lists of personnel requests CW-14 submitted, SORICH told CW-14, "We shouldn't be meeting in City Hall to discuss stuff like this, if anything we should meet outside." CW-14 replied, "I don't care where we meet, I just need you to help." In 2003, SORICH instructed CW-14 to meet with Individual B to submit his names and discuss jobs. CW-14 then began meeting with Individual B, typically outside Individual B's office near an elevator, to give

Individual B the lists of personnel requests. Individual B told CW-14 that Individual B did not want to meet CW-14 inside Individual B's City Hall office to discuss jobs.

138. CW-14 stated that as CW-14's organization became more important to campaign efforts, more of his/her job requests were granted by SORICH. CW-14 also said that he/she observed other leaders of political organizations talking to SORICH about City jobs at joint meetings of the various political coordinators.

139. CW-14 stated that he/she continued to have meetings with SORICH and Individual B regarding CW-14's promotion requests, even after CW-14 retired from City employment in 2003.

140. CW-14 provided agents with a copy of a memo dated March 9, 2004, to ROBERT SORICH, from CW-14, re: Personnel Requests. In the memo, CW-14 identified individuals whom CW-14 wanted to receive a variety of positions, including Career Service Motor Truck Driver. CW-14 also provided agents with a copy of a memo to Individual B, dated February 19, 2004, re: Personnel Requests, cc: ROBERT SORICH. In the memo, CW-14 identified individuals whom CW-14 wanted to receive a variety of positions, including Career Service Motor Truck Driver. Based on interviews of CW-14 and many of the individuals named in the memos, the individuals are associated with CW-14's political organization.¹¹ CW-14 stated that he/she hand-delivered the February 19 memo to Individual B and asked Individual B to give it to SORICH. Individual B told CW-14 that Individual B did give the memo to SORICH. CW-14 said that he/she hand-delivered the March 9 memo to SORICH. A search of the computer hard drive formerly used by CW-14 in

¹¹ One witness, CW-32, provided agents with a list of members of CW-14's political organization. This list also confirms that the individuals for whom CW-14 made personnel requests to IGA were members of CW-14's political organization.

City employment revealed versions of two additional memos to SORICH regarding personnel requests for *Shakman*-covered positions.

141. CW-14's account was corroborated by a document found in the IGA offices at City Hall. On April 29, 2005, during a search of IGA offices conducted pursuant to a search warrant, an agent recovered a typed list of individuals who bid for Career Service MTD in Department 3 in the office of Individual B . Accompanying the typed list was a handwritten list titled, "Synopsis of Proposed C.S. MTD's for [Department 3]." The handwritten list includes a column of names (including CW-14 and CW-10), a column of number of bidders, and a column of number of selections. The handwritten list indicates that CW-14 was associated to 9 bidders and 9 selections and that CW-10 was associated to 4 bidders and 0 selections. CW-10 and CW-14 have told agents that each did lobby SORICH on behalf of identified political workers for the position of Career Service MTD. In reviewing the handwritten list, CW-14 identified the other 18 names and numbers on the list as being political organizations affiliated with certain individuals, Ward Organizations, and/or unions.

142. An administrative assistant employed by IGA, CW-29, reviewed the handwritten list and said it appeared to be in the handwriting of Individual B.

143. Several names on the typed list were highlighted in different colors, and handwritten at the top of the typed list there is a key to the colors. One color is associated to CW-14, and several of the names highlighted in that color correspond to the names of CW-14's political workers requesting career service status in the March 9, 2004, memo to SORICH. Of the ten names listed in CW-14's March 9 memo to SORICH, seven of those individuals received the position of Career Service MTD.

144. During the April 29, 2005 search of IGA offices, an agent observed one of SORICH's desk drawers filled with empty folders labeled by name of City department, including one empty folder labeled [Department 3]. Agents did not recover any index cards indicating CW-1 or CW-10 submissions concerning jobs for individuals, nor did agents recover any memos concerning "Personnel Requests" from CW-14 to SORICH.

D. Department 5

145. CW-21 said that in order to hire or promote anyone in his/her Bureau after 1997, he/she needed the approval of Individual A and the Commissioner. CW-21 said that CW-21 would meet with SORICH to submit requests for hiring and promotion. CW-21 would sometimes be accompanied by CW-22. CW-21 said that he/she would tell SORICH who CW-21 thought would be good for promotions, and would mention which of CW-21's people had done campaign work. Although CW-21 recommended some people who had not done political work, most had. CW-21 said political work gave people a leg up in getting promoted.

E. Corroboration of meetings

146. According to CW-29, an administrative assistant within IGA, CW-15, CW-4, CW-11, CW-10, CW-22, CW-7 and CW-1, all regularly called and visited SORICH. CW-29 said that he/she did not know specifically what these individuals discussed with SORICH, but CW-29 said he/she had the general sense that people submitted names to SORICH and Individual B for career service and seasonal positions with the City.

SORICH's Recorded Statements

147. CW-14 consensually recorded a conversation with SORICH on June 16, 2005. The conversation occurred outside SORICH's home. When CW-14 arrived at SORICH's home and told

SORICH that CW-14 wanted to talk about the federal investigation, SORICH told CW-14 that they should take a walk. Once outside, CW-14 showed SORICH the March 9, 2004 memo of personnel requests for CW-14's political workers and expressed concern over the government's investigation. SORICH said, "You just have to . . . tell the truth because I'm sure they know anyways." Throughout the conversation, SORICH repeatedly told CW-14 to tell the truth.

148. During the consensually recorded conversation, CW-14 referred to the government's search of IGA offices, including SORICH's office, which had been publicly announced by the City and reported in the media. CW-14 asked, "You don't know if they [referring to the typewritten lists] were destroyed? You don't know what happened to the thing. That leaves us . . . wide open on that one." SORICH replied, "Yeah." At the end of the conversation, SORICH said, "I wish I could have been of more comfort to you." At no point in the conversation did SORICH deny that he had assisted CW-14 with jobs for CW-14's political workers.

IGA Directs Campaign Organizations of Public Employees

149. Witnesses have also described the process by which the political organizations of City workers received campaign assignments from individuals associated with IGA.

150. As described by several individuals interviewed in the investigation (including coordinators of political organizations and individual campaign workers), the campaigns that received the benefits of the work of organizations of City employees included mayoral, aldermanic, U.S. Congressional, State Representative, State Attorney General, and gubernatorial campaigns.

151. In general, several campaign coordinators described a process under which they would receive instructions to engage in political activity. They said the instructions were usually transmitted by SORICH, or others at IGA. SORICH and other IGA officials routinely attended the

coordinators' meetings. Several participants in the organizations (individuals who staffed telephone banks and knocked on doors on behalf of private campaigns) noted that they viewed this work as required in order to obtain jobs or promotions in City employment.

152. CW-1 said that prior to a political campaign during the period of the mid-1990s through 2003, CW-1 would get a call from either Individual N or SORICH scheduling a meeting for political coordinators. At the meetings (and sometimes via telephone call), either Individual N or SORICH told CW-1 where CW-1's political workers were to be deployed.

153. CW-7 stated that he/she was present at times when CW-1 told his/her political workers where they were to report for campaigns. These meetings occurred in City offices during the business hours. CW-7 said that CW-1 announced that CW-1 had received his/her "marching orders" from Individual N.

154. CW-1 said that he/she regularly gave SORICH an updated typed list of all the workers in CW-1's political organization, which identified the workers, the campaign work they performed and their attendance at political events. SORICH often called CW-1 to tell CW-1 that CW-1's organization did a good job.

155. In or about 1999, CW-7 organized his/her own political organization, as a coordinator of Department 2 employees. CW-7 stated that during election cycles, CW-7 would receive a phone call from Individual N. Individual N directed CW-7's organization's workers to particular locations to work for a particular political campaign identified by Individual N. Most of this political activity involved knocking on doors and canvassing during the weekends.

156. CW-11 said that over the years, he/she participated in political organizations comprised mostly of City employees. CW-11 recalled that his/her political coordinators told CW-11

that IGA gave them the instructions as to political work to be done by organization. CW-11 attended meetings of campaign workers where SORICH and others gave instructions to the attendees about which wards would be supported for upcoming elections. CW-9 said that he/she received calls from IGA personnel over the years, requesting people to staff telephone banks, and that CW-9 passed the requests on to CW-11.

157. CW-14 stated that in or about 1999, SORICH advised CW-14 to form his/her own political group. CW-14 recalled SORICH saying that the “Mayor’s organization” needed a group of White political workers, to complement existing groups of African-American and Hispanic City workers within Department 3. CW-14 decided to form his/her own political group, comprised mostly of Department 3 employees. SORICH sometimes attended meetings of CW-14’s political group, which CW-14 believed helped CW-14 display CW-14’s influence with the Mayor’s Office. CW-14 attended meetings of campaign workers where SORICH and others gave instructions to attendees about which wards would be supported for upcoming elections. CW-14 also said that he/she discussed with SORICH the fact that CW-14 would have to reward campaign workers with jobs in order to keep the organization together.

158. CW-21 said that he/she became the coordinator of a campaign organization comprised largely of white Department 5 employees in 1998. (There was a separate organization for African-American employees headed by another Department 5 manager, according to CW-21.) Once CW-21 became the coordinator of the group, CW-21 attended meetings of coordinators to plan campaigns. Usually, IGA officials would attend the political meetings of the coordinators.

159. CW-21 said that when a campaign was about to start, usually, Individual N, Individual O, and/or SORICH, would attend the kickoff meeting for the workers. The usual message

that the speakers would give was that “the Mayor supports this candidate’s campaign. It is important to get this candidate elected (or re-elected) to maintain the ability for the City to run as it is and for us to all keep working.”

Mailing

160. As set forth above, CW-14 submitted names of political workers to SORICH to receive the position of Career Service Motor Truck Driver (CS MTD). One such worker, listed in CW-14’s March 9 memo to SORICH, was CW-30. CW-30’s name is highlighted the color corresponding to CW-14 on the list of CS MTD bidders recovered from Individual B’s office on April 29, 2005.

161. According to documents obtained from the City, from February 24, 2004 to March 12, 2004, the City opened the bidding process for a position of CS MTD in Department 3. On March 27, 2004, interviews were conducted for the position. CW-30 was rated 5.0 by Individual G & CW-15.

162. The Shakman referral list is signed by CW-16 on behalf of Individual I, dated August 27, 2004 and CW-16 (on behalf of Individual I) certified that “I understand that political considerations may, in no manner, enter into decisions to hire employees for the City of Chicago. I understand that any person who willfully violates this may be subject to both administrative and legal action. I verify that, to the best of my knowledge, political considerations did not enter into the hiring decisions documented on this form.”

163. On or about July 15, 2004, a letter was sent via U.S. Mail to CW-30, notifying CW-30 that CW-30 had been selected as a CS MTD.

Conclusion

164. Based on the facts described above, I submit that there is probable cause to believe that, from in or about the early 1990s, through in or about 2005, ROBERT SORICH did devise, intend to devise and participate in a scheme and artifice to defraud the City of money, property, and the intangible right to the honest services of defendant SORICH, to deprive applicants for City hiring and promotions of an honest application and evaluation system, and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises and material omissions, and in furtherance thereof caused the use of the United States mail.

165. Specifically, I submit that there is probable cause to believe that on or about July 15, 2004, SORICH knowingly caused certain matter, namely an envelope containing a letter notifying CW-30 of his/her selection to CS MTD, to be delivered by United States mail to a Chicago, Illinois address, for the purpose of executing the above-described scheme; in violation of 18 U.S.C. §§ 1341, 1346 and 2.

FURTHER AFFIANT SAYETH NOT.

IRENE LINDOW
Special Agent
U.S. Department of Labor
Office of Inspector General

Subscribed and sworn
before me this 17th day of July 2005

Hon. Jeffrey Cole
United States Magistrate Judge